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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,224	12/05/2001	Roman Basko	342818027US	8275

25096 7590 06/14/2005

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EXAMINER

THAI, HANH B

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,224

Applicant(s)

BASKO ET AL.

Examiner

Hanh B. Thai

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-65, 68-78 and 86-90 is/are allowed.
- 6) ☒ Claim(s) 66-67, 79-85 and 91-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is in response to amendment filed March 23, 2005.

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on March 23, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application # 10/007646 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 66-67, 79-85 and 91-94 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In the present case, although claims 66, 79 and 85 recite a computer-readable medium containing a data structure, the claimed data structure consists of mere nonfunctional descriptive material (mere arrangements of data are merely stored). When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Thus, it is deemed to be directed to non-statutory subject matter (see MPEP 2106).

Claim 67 recites a computing device for analyzing interaction. However, the claimed computing device merely consists of computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." Thus, it is deemed to be directed to non-statutory subject matter (see MPEP 2106).

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Claim 91 recites a method for creating definitions of event types for analyzing interaction data, which consists solely of mathematical operations without practical application in the technological arts or simply manipulates abstract ideas without practical application in the ethnology arts. Thus, it is deemed to be directed to non-statutory subject matter (see MPEP 2106).

Allowable Subject Matter

3. Claims 1-65 and 68-78 are allowed over the art of record.

The following is a statement of reasons for the indication of allowable subject matter: Regarding independent claims 1, 11, 41, 45, 47, 48, 68, 72, 74, 76, 78 and 86, the prior art fails to disclose or suggest the claimed method, system and computer-readable medium for analyzing interaction or usage data for customers. The interaction or usage data is stored in log files and supplemented with data from other sources. Various data parsing information is defined and used as part of the analysis by using customer-specific information to identify various occurrences of interest. When analyzing a customer's web site interaction data, the parser component can use data defining customer-specific types of web site events of interest. Types of occurrences can be specified in a variety of ways by using a combination of a logical web site, one or more URIs corresponding to web pages, and/or one or more query strings.

The dependent claims, being further limiting to the independent claims, definite and enabled by the Specification are also allowed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai
Examiner
Art Unit 2161

June 3, 2005



UYEN LE
PRIMARY EXAMINER